IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

Tr.P(C).No. 196 of 2007

OP.476/2007 of FAMILY COURT, PALAKKAD

.....

PETITIONER/RESPONDENT

SMT. LEKSHMI, D/O. VENKITESWARAN,
AGED 22 YEARS, C.K.V.NIVAS, PATTAMALI ROAD,
IRINJALAKUDA P.O., THRISSUR DISTRICT.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENT: PETITIONER

PARAMESWARAN, S/O. KRISHNAMANI IYER,
AGED ABOUT 32 YEARS, THEKKEMADOM,
KADAMBAZHIPURAM, ALANGAD P.O.,
PALAKKAD DISTRICT.

BY ADV. SRI.E.R.VENKATESWARAN
SRI.R.SREEHARI

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

I.A.2343 OF 2007
IN
Tr. P.(C) 196 of 2007
.....

DISMISSED.

26.10.2007. Id/- HARUN-UL-RASHID, JUDGE.

HARUN-UL-RASHID, J.

Tr. P. (C) 196 of 2007

Dated: October 26, 2007

ORDER

This is a petition filed by the petitioner in O.P.No.1152/2007 pending before the Family Court, Thrissur. The petitioner and the respondent are wife and husband. The respondent/husband had filed O.P.No.476/2007 before the Family Court, Palakkad, seeking a declaration that the marriage between the parties is null and void alleging that the petitioner was insane and continues as such till date. The petitioner denied the allegation of mental incapacity and expressed her willingness to resume cohabitation with the respondent. Therefore she had approached the Family Court, Thrissur in O.P.No.1152/2007 seeking a direction for restitution of conjugal rights.

2. Counsel for the petitioner submitted that the petitioner who is an unemployed lady is now living in the house of her parents and fully depending on her aged parents for her livelihood. The aged and ailing parents are not in a position to travel over to Palakkad accompanying her for conducting the case. The respondent had filed a petition before the Family Court, Palakkad in O.P.No.476/2007 seeking appointment of the father of the petitioner as her guardian and next friend alleging that she is insane. Therefore the counsel for the petitioner contended that even going by the conduct of the respondent, the petitioner is justified in applying for a transfer of O.P.No.476/2007 pending before the Family Court, Palakkad to the Family Court, Thrissur.

3. It is to be noticed that both petitions relate to the matrimonial disputes between the parties. The issues sought to be decided in both cases are more or less similar in many respects. In order to avoid conflicting decisions on some issues and considering the peculiar circumstances to which the petitioner is put to as stated above and for the reason that both petitions relate to the matrimonial disputes, I am inclined to allow the request of the petitioner.

In the result, I order transfer of O.P.No.476/2007 on the file of the Family Court, Palakkad to Family Court, Thrissur, to be tried along with O.P.No.1152/2007 pending before the Family Court, Thrissur.

HARUN-UL-RASHID
JUDGE

mt/-